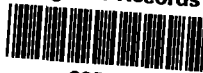




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



225985

MAR 17 2000

REPLY TO THE ATTENTION OF  
**Lindsay Light II Site**

**BY FACSIMILE**  
**AND BY CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Grand Pier Center LLC  
c/o Mr. Raymond Chin  
401 North Michigan Avenue  
Chicago, Illinois 60611

RE: Lindsay Light II Site/(RV3 North Columbus Drive)  
227 East Grand Avenue, Chicago, Illinois  
General Notice of Potential Liability

Dear Mr. Chin:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Develop a Work Plan for the radiological assessment of the Site.
2. Develop and implement a site health and safety plan.

3. Develop and implement an air monitoring plan.
4. Develop and implement site security measures.
5. Conduct land surveying to the extent necessary to establish a grid system to locate all property boundaries, special features (pipes, storage tanks, etc.), and sample locations.
6. Place borings in critical locations (grid corners, high exposure rate areas, special features, etc.) for the purpose of measuring subsurface radiation levels. Measurements shall be recorded at each 6 inch depth until the natural soils are reached or radiation levels reach background, whichever is the greatest depth.
7. Collect soil samples from the borings and analyze for radionuclide content and Resource Conservation and Recovery Act (RCRA) characteristics. These results will then be used by the PRP to correlate subsurface radiation levels and radionuclide content, and to determine the disposal facility.
8. Conduct off-site radiological surveying and sampling as necessary and, at a minimum implement 40 CFR 192 if deemed necessary should contamination be discovered beyond current site boundaries.
9. Based upon soil results, remove, transport and dispose of all characterized or identified hazardous substances, pollutants, wastes or contaminants at a RCRA/CERCLA approved disposal facility in accordance with the U.S. EPA off-site rule.
10. The soil clean-up criterion is 7.1 picoCuries per gram (pCi/g) total radium (RA-226 + RA-228), including background, unless analyses indicates the existence of additional contaminants, hazardous substances, pollutants or waste.

U.S. EPA has issued a unilateral Administrative Order (UAO), Docket No. V-W-96-C-353 dated June 6, 1996, under Section 106 of CERCLA, requiring Respondents Kerr-McGee Chemical Corporation and Chicago Dock & Canal Trust to perform specified work. The Respondents, with U.S. EPA oversight, have undertaken actions to comply with the UAO.

U.S. EPA has received information that your organization may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA intends to

amend your organization to unilateral Administrative Order Docket No. V-W-96-C-353 issued on June 6, 1996. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such Order, or any other order issued subsequent to that Order. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

Because of the Site conditions, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA verbally by COB March 20, 2000, and in writing within three (3) business days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your written response should be sent to:

Debra Regel  
U.S. EPA-Region 5, Enforcement Specialist  
Emergency Enforcement & Support Section SE-5J  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

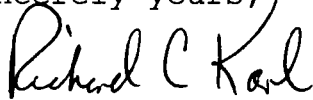
If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the facility and that your organization has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Mary Fulghum of the U.S. EPA Office of Regional Counsel at (312) 886-4683.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a verbal and written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,

A handwritten signature in cursive script that reads "Richard C. Karl".

Richard C. Karl, Chief  
Emergency Response Branch

Enclosures  
(SBREFA Information Sheet)  
(June 6, 1996, UAO)

cc (without enclosures):  
Kerr-McGee Chemical L.L.C.  
River East Chicago L.L.C.

bcc: Mary Fulghum, ORC (C-14J)  
Verneta Simon, OSC (SE-5J)  
Fred Micke, OSC (SE-5J)  
John Maritote, EESS (SE-5J)  
Debbie Regel, EESS (SE-5J)  
Larry Jensen (SE-5J)  
Toni Lesser, Public Affairs (P-19J)  
Michael T. Chezik, Department of Interior  
Alicia Corley, SETS (OS505)  
Tony Audia, PAAS (MF-10J)  
Records Center (SMR-7J)  
ERB Read File